IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WA.No. 621 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.5050/2007 Dated 19/02/2007

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APPELLANT: RESPONDENTS 1 TO 3 IN WP(C) NO.5050/2007
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1. STATE OF KERALA REPRESENTED BY THE SECRETARY, (FOREST & WILD LIFE), GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE CUSTODIAN (ECOLOGICALLY FRAGILE LAND) AND CHIEF CONSERVATOR OF FOREST (E&TW) OFFICE OF THE CHIEF CONSERVATOR OF FOREST & CUSTODIAN (ECOLOGICALLY FRAGILE LAND), FOREST HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.

3. CUSTODIAN OF VESTED FORESTS, ARANYA BHAVAN, OLAVAKKODE, PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER SRI. D. ANILKUMAR.

RESPONDENTS: PETITIONERS 1 TO 3 IN WP(C) NO.5050/2007
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1. T.R.RADHAKRISHNAN IRS, COMMISSIONER OF CUSTOMS AND EXCISE (RTD.), RESIDING AT 49/10, 9TH CROSS ROAD, SREERAM AVENUE, VADAVALLI, COIMBATORE 641 041.

2. T.R.MOHANDAS, S/O.T.K.RAMACHANDRAN, 39/1, 7TH CROSS ROAD, SRIRAM AVENUE, V.ADAVALLI, COIMBATORE.

3. T.R.RAJESHWARY, W/O.S.MOHAN, A3, WARRAN ROAD, MYLAPORE, CHENNAI REP.BY HER POWER OF ATTORNEY HOLDER T.R.MOHANDAS, 2ND PETITIONER HEREIN.

BY ADV. SRI.SANTHAN V.NAIR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 621 OF 2007

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Dated this the 8th day of March, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

We notice that the 2nd prayer in the writ petition was to issue a writ of mandamus directing the respondents to restore the property to the petitioners. The learned Single Judge passed an interim order which is as good as allowing the final relief itself. Considering the facts and circumstances of the case we are inclined to vacate the interim order and direct the Registry to post the writ petition for final hearing during the first week of April, 2007.

The writ appeal is disposed of as above.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

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